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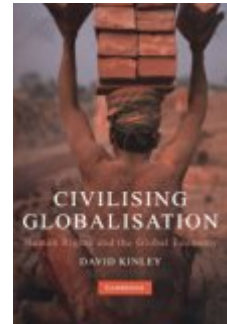
in the Humanities & Social Sciences

David Kinley. *Civilising Globalisation: Human Rights and the Global Economy*. Cambridge: Cambridge University Press, 2009. 256 S. \$110.00 (cloth), ISBN 978-0-521-88781-6; \$39.99 (paper), ISBN 978-0-521-71624-6.

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Toward a Human Rights Approach to Globalization

Though human rights concerns and the global economy both occupy prominent places on the international agenda, there are many facets of their relationship which have not been fully examined. Indeed, as David Kinley notes, many in the international development community actually question whether the two are related. Seeking to dispel this doubt, and to better elucidate the complex linkages between human rights and the global economy, the author examines the points of intersection between human rights and three of the leading facets of the global economy: trade, aid, and commerce, specifically foreign direct investment (FDI). As indicated by the purposively ambiguous title of the book, the relationship between human rights and the global economy is reciprocal—globalization should ideally “civilize” societies by providing better standards of living, while the “civilizing” influence of human rights can help to ameliorate the inequalities that may accompany globalization. The goal of this book is thus to provide policy-relevant insights for better incorporating human rights concerns into the global economy.

Kinley examines the global economy in terms of the key actors involved, including states, relevant international organizations, and key nonstate actors such as multinational corporations (MNCs). Substantively, his primary area of emphasis concerns the legal areas of convergence between the global economy and human rights. Thus, though political and economic linkages do fit into his research focus, and the author incorporates some of

the literature in those areas, the book will be of interest primarily to international law scholars and practitioners.

He notes that there is a great deal of philosophical common ground between international trade and human rights, particularly regarding individual liberties. The development focus of many aspects of the world trading system, particularly the Generalized System of Preferences (GSP) arrangements as well as the Doha round of World Trade Organization (WTO) negotiations, touch upon some of the economic aspects of human rights. Many regional trading arrangements (RTAs) also contain language pertaining to human rights, particularly labor rights. Yet, as his analysis of the WTO and the use of economic sanctions ultimately reveals, the actual convergence of international trade law and human rights is very tentative; extant law provides “thin gruel for human rights advocates to feed on” (p. 75).

The linkage between human rights and foreign aid is much more developed. Foundationally, whereas global trade and FDI treat any amelioration in human rights conditions as a secondary benefit, aid is often explicitly and directly related to human rights goals such as poverty alleviation and social development. This is particularly apparent in some of the recent developments in the global foreign aid regime, including the increasing prominence of “human rights approaches” to foreign aid, the prominent place that human rights concerns have in the Millennium Development Goals of the UN, and the

emphases on governance quality and rule of law. With this facet of the global economy, the main problem is the gap between human rights rhetoric and the realities of how foreign aid programs are actually implemented and assessed. Kinley attributes this to a combination of bureaucratic resistance to incorporating new considerations as well as a fundamental misperception of how to incorporate human rights concerns. In particular, human rights are often viewed as yet another set of mandatory prescriptions rather than a broad and inherently political set of phenomena that requires the active participation of the state itself.

The relationship between commerce and human rights is somewhat different as the focus is not so much on states and institutions as multinational corporations (MNCs), who have a sometimes contentious history regarding human rights. After noting the various ways in which MNCs can either directly or indirectly influence human rights conditions for better or worse, Kinley notes the legal dilemma of this aspect of the global economy. In particular, the multinational nature of corporations can make enforcement somewhat difficult. He then provides a preliminary sketch of four areas in which the global legal regime can begin to encompass MNC activities: formal and informal pressure from various governmental and nongovernmental groups, extra-territorial expansion of the relevant laws of home countries, voluntary “codes of conduct,” and the emerging proposals for a set of international regulations of corporate behavior, in particular the work of John Ruggie as the UN Special Representative for Business and Human Rights.

Two main themes emerge in his analysis of the global economy and human rights. First, the overall relationship between the two is quite nuanced and complex. Though there is a degree of shared principles, at its base the economy is largely an instrument through which human rights may (or may not) be further developed. As the facets of the global economy operate along somewhat different parameters, each has a different relationship with human rights and thus needs to be examined in its own right. Analysts need to go beyond the old blanket dichotomies of globalization as either a force for the repression of human rights or as a panacea for improving their protection. A second theme is how to assign responsibility for human rights. Though there is a largely shared definition of universal human rights, there is ultimately little collective leadership towards incorporating human rights concerns into the global economy. Therefore, any steps towards further developing these linkages have to actively involve governments—though other institutions may influence human rights conditions, the ultimate protector and violator of human rights remains the state. Such a recognition, however, does not absolve other international actors from their responsibilities to help protect these rights and to work with the state towards such an end.

In all, *Civilizing Globalization* makes a strong case that human rights concerns should be better incorporated into the global economy, and that economic actors, including international organizations, development agencies, and MNCs, need to more fully examine the ways in which human rights concerns figure into their roles.

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